

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:07-cv-1155-Orl-18KRS

KENNETH WAYNE ELLIOTT and
JACKIE L. ELLIOTT

**STIPULATED JUDGMENT AND
ORDER FOR PERMANENT INJUNCTION**

Plaintiff, the United States of America has commenced this action by filing the Complaint herein, and Defendants Kenneth Wayne Elliott and Jackie L. Elliott ("Defendants") have waived service of the Summons and Complaint. Defendants, represented by the attorney whose name appears hereafter, have agreed to settlement of this action without adjudication of any issue of fact or law.

THEREFORE, on the joint motion of the parties, it is hereby ORDERED,
ADJUDGED AND DECREED as follows:

FINDINGS

1. This Court has jurisdiction over the subject matter and the parties pursuant to 28 U.S.C. §§ 1331, 1337(a) and 1345.
2. Venue is proper as to all parties in the Middle District of Florida.
3. The Complaint states a claim upon which relief may be granted against the Defendants, under 18 U.S.C. § 1345.

4. Defendants have entered into this Stipulated Judgment and Order ("Order") freely and without coercion. Defendants further acknowledge that they have read the provisions of this Order and are prepared to abide by them.

5. Plaintiff and Defendants hereby waive all rights to appeal or otherwise challenge or contest the validity of this Order.

6. Defendants have agreed that this Order does not entitle Defendants to seek or to obtain attorneys' fees as a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended by Pub. L. 104-121, 110 Stat. 847, 863-64 (1996), and Defendants further waive any rights to attorneys' fees that may arise under said provision of law.

7. Entry of this Order is in the public interest.

DEFINITIONS

For the purpose of this Order, the following definitions shall apply:

1. "Car Business" means:

a. engaging directly or indirectly in any business, entity, organization or activity that involves the purchase, sale, or repair of any motor vehicle or motor vehicle part; or

b. performing, supervising, participating in, managing, financing, brokering, consulting about, or profiting from, any of the following activities:

i. the repair, alteration, or modification of any motor vehicle or motor vehicle part, regardless of whether the repair, alteration, or modification is mechanical, structural, or cosmetic in nature;

- ii. the purchase or sale of any new or used motor vehicle or motor vehicle part; or
- iii. the processing, filing, alteration or completion of any forms or documents related to the title, ownership, transfer, or financing of any motor vehicle.

"Car Business" does not include the purchase by Defendants of two motor vehicles each year that the Defendants purchase and use solely for their own personal transportation and that are sold by Defendants for less than the Defendants paid for the motor vehicles (hereinafter referred to as "excluded motor vehicles"). "Car Business" does not include the repair or sale of these excluded motor vehicles.

"Car Business" does not include no-interest, non-profit loans from the Defendants to their children.

2. "Defendants" mean Kenneth Wayne Elliott and Jackie L. Elliott or either of them.

3. "Person" means a natural person, organization or other legal entity, including a corporation, partnership, proprietorship, association, or cooperative, or any other group or combination acting as an entity.

4. "Representatives" means the Defendants' successors, assigns, officers, agents, servants, employees and those persons in active concert or participation with Defendants who receive actual notice of this Order by personal service or otherwise.

ORDER

I. CAR BUSINESS BAN

IT IS ORDERED, ADJUDGED AND DECREED that beginning on September 7, 2007, Defendants, and each of their successors, assigns, agents, servants, and employees, and those persons in active concert or participation with Defendants who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any person, entity, corporation, subsidiary, division, affiliate, or other device, are permanently restrained and enjoined from (A) engaging in the car business, (B) assisting others engaged in the car business, (C) owning, managing or controlling any entity engaged in the car business, and (D) possessing any license for conducting the car business.

II. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that Defendants, within five (5) business days of receipt of this Order as entered by the Court, shall submit to the Department of Justice a truthful sworn statement acknowledging receipt of this Order.

III. FEES AND COSTS

IT IS FURTHER ORDERED that each party to this Order hereby agrees to bear its own costs and attorneys' fees incurred in connection with this action.

IV. RELEASE OF DEFENDANT JACKIE L. ELLIOTT

IT IS FURTHER ORDERED that Defendant Jackie L. Elliott shall be released from this Order upon the death of Defendant Kenneth Wayne Elliott.

V. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purposes of construction, modification, and enforcement of this Order.

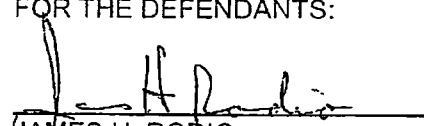
VI. COMPLETE SETTLEMENT

The parties, by their respective counsel, hereby consent to entry of the foregoing Order which shall constitute a final judgment and order in this matter. The parties further stipulate and agree that the entry of the foregoing Order shall constitute a full, complete and final settlement of this action.

Dated: 13th day of June, 2007.

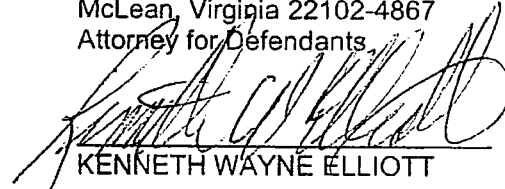

UNITED STATES DISTRICT JUDGE

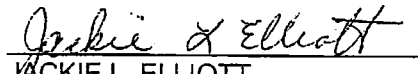
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